

REMARKS**I. Status of the Claims**

Claims 1-31 are currently pending. Of these, claims 1, 13, 25-27, 29, and 31 are independent. All of the claims are currently rejected. Claims 1, 9-11, 13, 21-23, 25-27, 29 and 31 are currently amended. These changes are believed to introduce no new matter. Thus, entry and consideration of this Amendment is respectfully requested.

II. Rejections under 35 U.S.C. § 103(a)

In the Office Action, the Examiner has made the following rejections under 35 U.S.C. § 103:

1. Claims 1-6, 9, 13-17, 20, 21, and 25-30 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over the Applicant's admitted prior art in view of U.S. Patent No. 6,753,919 to Daugman ("Daugman").
2. Claims 7-8, 11, 18-19, and 23 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over the Applicant's admitted prior art in view of Daugman and further in view of U.S. Patent No. 5,229,856 to Koshiishi ("Koshiishi").
3. Claims 10 and 22 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over the Applicant's admitted prior art in view of Daugman and further in view of U.S. Patent No. 6,278,490 ("Fukuda et al.").
4. Claims 12 and 24 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over the Applicant's admitted prior art in view of Daugman and further in view of U.S. Patent No. 5,438,367 to Yamamoto et al. ("Yamamoto").
5. Claim 31 is rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over U.S. Patent No. 5,559,552 to Inuiya ("Inuiya") in view of Daugman.

Each of the above rejections involves Daugman. Moreover, all but one of these rejections involves Applicant's admitted prior art. Applicant respectfully requests reconsideration in view of the following.

The independent claims recite features involving the emission of light for focusing operations. For example, amended independent claim 1 recites

“a control device that emits light once each vertical scanning period for assisting signal forming operation performed by said signal forming device and *changes a light-emission time period in each vertical scanning period within and in accordance with a charge accumulation time* of said image sensing device when said signal forming device forms the signal for focusing.” (Emphasis added).

Thus, these claims recite features in which light is emitted in each scanning interval. This light is emitted for a light emission time that is within a charge accumulation time. Moreover, the light emission time is in accordance with a charge accumulation time. With this feature, light emission time can be determined to advantageously lengthen the life of the light and save energy consumption. Applicant asserts that these features are neither taught nor suggested by the applied references.

Daugman discloses an imaging apparatus that captures iris images to identify a person. Figure 1 of Daugman shows an iris imager device. This device includes a camera, a cold mirror, a lens, an illuminator, and a focus assessment processor. The focus assessment processor accesses the image and applies certain measurement routines to assess the image's focus. The output of the focus assessment processor is used to control an indicator.

Daugman provides details regarding focus assessment at columns 7-12. However, in applying Daugman, page 4 of the Office Action focuses on column 7, lines 52-56, and column 8, lines 21-25. In particular, the Examiner states that these portions disclose the “once each

vertical scanning period” aspect of the independent claims. Although Daugman (at column 7, lines 52-56) employs the term “strobe”, Daugman appears to be silent as to whether this involves the energizing of a light (such as illuminator 130). Moreover, Daugman is silent with regard to changing light-emission time, as recited in the independent claims.

However, the Examiner asserts that changing light-emission times is disclosed in the admitted prior art (APA) of the present application. In particular, on pages 3-4 of the Office Action, the Examiner asserts that these features are disclosed in Figures 8, 10, 13, and 14.

These drawings show times of fill-in light emission (Ton) that span multiple charge accumulation times. For instance, Figures 8, 10, and 13 show Ton being a time interval that covers multiple “read out” times. In contrast, Figures 7 and 9 show light emission time intervals being within single charge accumulation times.

In addition to claim 1, the other independent claims also recite features similar to those discussed above. Thus, Daugman and the APA fail to teach or suggest the features of the claimed invention. For at least these reasons, Applicant respectfully requests that the outstanding rejections be withdrawn.

CONCLUSION

Based on the foregoing amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 1232-4640. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No 13-4500, Order No. 1232-4640. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: 11/28/05By: 

John A. Harroun
Registration No. 46,339
(202) 857-7887 Telephone
(202) 857-7929 Facsimile

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101